

SUPPLEMENTAL
Notice of Allowability

Application No.

09/412,147

Examiner

Frantzy Poinvil

Applicant(s)

EGGLESTON ET AL.

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 12/20/03.
2. ☒ The allowed claim(s) is/are 1-17,33,34,39 and 42-58.
3. ☒ The drawings filed on 10/05/1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>19</u> . |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

Frantzy Poinvil
Fr. *3628*

DETAILED ACTION

Allowable Subject Matter

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Claim 4 has been replaced as follow: --

Claim 4. The method of claim 3, further comprising:

providing another network coupling said host computer to a workstation for transferring electronic data between said workstation and said host computer;

providing each of said host computer and said workstation with an application program for responding to input from said host computer or said workstation;

allowing a user of said host computer to operate said automated award fulfillment application program to generate an incentive program and to store said incentive program on said host computer;

transferring a stored incentive program to said workstation; and

providing an address for said stored incentive program to permit access to said stored incentive program from said another network. --

Claim 5 has been replaced by the following: --

5. The method of claim 4, further comprising:
- providing at least one of an award association application program that associates an award with said incentive program, and an award fulfillment association application program that associates a fulfillment option with said award. --

Claim 6 has been replaced by the following: --

6. A system for automating award fulfillment, comprising:
- a network;
- a host computer, coupled to said network;
- a first database of said host computer;
- a browser operative to browse content of said host computer, wherein a consumer user participates in an incentive program;
- an awards database of awards associated with said incentive program;
- and
- an automated award fulfillment application program for automating fulfillment of awards for said incentive program, in communication with an inventory management system associated with each of a plurality of providers wherein said automated award fulfillment application program provides sponsor-selected fulfillment for providing a sponsor-selected specific award unit item,

providing said sponsor-selected specific award unit item tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and

providing a sponsor-selected geographic location for fulfillment. --

Claim 9 has been replaced by the following: --

9. The system of claim 6, further comprising:

memory for storing information relating to participation of said sponsor-selected consumer user in said incentive program. --

Claim 13 has been replaced by the following: --

13. The method of claim 11, wherein said providing automated award fulfillment further comprises:

associating an award with the incentive program; and
associating a fulfillment method with the award. --

Claim 14 has been replaced by the following: --

14. The method of claim 11, wherein said providing automated award fulfillment further comprises:

providing a card comprising memory for storing data associated with a user. --

Claim 17 has been replaced by the following: --

17. The method of claim 14, wherein said data is information relating to a user's participation in said incentive program. --

Claim 33 has been replaced by the following: --

33. A system for building an incentive program having automated fulfillment, comprising:

- a computer coupled to a network;

- an incentive program generation application program for generating the incentive program in response to input of parameters by a user;

- an award association application program for associating an award with the incentive program; and

- an automated fulfillment application program for associating a fulfillment method with said award wherein said automated fulfillment program is in communication with an inventory management system associated with each of a plurality of providers wherein said automated fulfillment application program is operative to provide sponsor-selected fulfillment for

- providing a sponsor-selected specific award unit item,

- providing said sponsor-selected specific award unit item tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and

- providing a sponsor-selected geographic location for fulfillment. --

Claim 34 has been replaced by the following: --

34. A method of providing for generation of an incentive program having automated fulfillment over a network, comprising:

- providing a computer coupled to the network;

- generating the incentive program in response to input from a user;

- associating an award with the incentive program;

- associating a fulfillment method with the award;

- providing an automated fulfillment application program, wherein said automated fulfillment application program is adapted to provide at least one of said generating the incentive program, said associating the award, or said associating the fulfillment method, wherein said automated fulfillment application program is in communication with an inventory management system associated with each of a plurality of providers for

- providing sponsor-selected fulfillment comprising:

- providing a sponsor-selected specific award unit item,

- providing said sponsor-selected specific award unit item tailored according to demographic and psychographic preferences of a sponsor-selected consumer user, and

- providing a sponsor-selected geographic location for fulfillment. --

Claim 39 has been replaced with the following: --

39. The system of claim 2, further comprising:

a redemption workstation associated with each of said plurality of providers coupled to the network;

at least one of

a member management database, coupled to the network, for adding a member record for a new member, or

said inventory management system associated with each of said plurality of providers coupled to said redemption workstation; and

wherein said automated award fulfillment application program is adapted to allow designation of redemption of an award including access to any inventory management system of any of said plurality of providers and access to any member databases; wherein said automated award fulfillment application program is adapted to allow a sponsor to select said award tailored to demographic and psychographic preferences of the consumer user stored in at least one of any of said member management databases or said first database accessible from said host computer, and wherein said automated award fulfillment application program is adapted to allow sponsor-designation of redemption of said award at a geographic location of one of said plurality of providers; and a sponsor computer, coupled to the network, adapted to allow a sponsor of one of said incentive programs to designate said geographic location of redemption by the consumer user of said award. --

Claim 44 has been replaced by the following: --

44. The system of claim 3, wherein said permitting access comprises:
providing for registration and interaction with content of said database and
said automated award fulfillment application program. --

Claim 45 has been replaced by the following: --

45. The system of claim 5, wherein said fulfillment option comprises at least
one of:

receiving fulfillment at a sponsor designated geographic location;
receiving online fulfillment;
receiving offline fulfillment;
receiving fulfillment at a merchant;
receiving fulfillment at a retailer; or
receiving fulfillment at point of sale (POS). --

Claim 46 has been replaced by the following: --

46. The system of claim 6, further comprising:
a redemption computer associated with each of said plurality of providers
coupled to said network; and
at least one of:
a member database, coupled to said network, for adding a member
record for a new member, or

said inventory management system associated with said each of
said plurality of providers coupled to said network; and

wherein said automated award fulfillment application program is adapted
to allow designation of redemption of an award including accessing any inventory
management system of any of said plurality of providers, accessing said awards
database and accessing at least one of any member databases and said first
database of said host computer. --

Claim 48 has been replaced by the following: --

48. The system of claim 47, further comprising:

a sponsor computer coupled to the network for allowing a sponsor of one
of a plurality of incentive programs to designate said geographic location of
redemption by said consumer user of said award. --

Claim 57 has been replaced by the following: --

57. The method according to claim 49, where said step (b) comprises at least
one of:

(1) automating fulfillment comprising:

(A) providing fulfillment using a fulfillment option comprising
at least one of:

(i) receiving fulfillment at a sponsor designated
geographic location;

- (ii) receiving online fulfillment;
 - (iii) receiving offline fulfillment;
 - (iv) receiving fulfillment at a merchant;
 - (v) receiving fulfillment at a retailer; or
 - (vi) receiving fulfillment at point of sale (POS); or
- (2) providing a validation of an award recipient of said award to at least one of a host, one of said plurality of providers, a sponsor, a retailer, or a merchant. --

Authorization for this examiner's amendment was given in a telephone interview with Ralph P. Albrecht (Reg. No. 43,466) on 28 December 2004 and 24 February 2005.

2. The following is an examiner's statement of reasons for allowance:

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a system for incentive program generation and automated award fulfillment as recited in independent claims 1 and 6.

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic

preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a method for generating incentive programs generation and automated award fulfillment as recited in independent claim 3.

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a method fro generating incentive program generation and automating award fulfillment as recited in independent claim 11.

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a system for building an incentive program having automated fulfillment as recited in independent claim 33.

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a method of providing for

generation of an incentive program having automated fulfillment over a network as recited in independent claim 34.

The prior art taken alone or in combination failed to teach or suggest a sponsor-selected specific award unit item being tailored to demographic and psychographic preferences of a sponsor-selected consumer user, and providing a sponsor-selected geographic location for fulfillment taken in combination with a method of automatically fulfilling an award as recited in independent claim 49.

McDonald et al (WO 96/36926) disclosed a multilevel marketing system involving a plurality of sponsors, participants and advertisers but failed to teach the above recited features of claims 1, 3, 6, 11, 33, 34, and 49.

Michael, Judd H et al disclose an article entitled "Information sources used by furniture retailers: The importance of furniture markets", Forest Products Journal, Madison: April 1995, Volume 45, Issue 4, page 25, 6 pages. The article however failed to teach or suggest the features recited in independent claims 1, 3, 6, 11, 33, 34 and 49.

3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

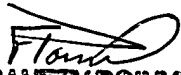
Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (703) 305-9779. The examiner can normally be reached on Monday-Thursday 7:00AM-5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326 for Before Final actions and (703) 872-9327 for After Final.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

FP
February 24, 2005


FRANTZY POINVIL
PROPERTY EXAMINER
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